

# City of Marietta

205 Lawrence Street Post Office Box 609 Marietta, Georgia 30061

# **Meeting Minutes CITY COUNCIL**

R. Steve Tumlin, Mayor Stuart Fleming, Ward 1 Grif Chalfant, Ward 2 Johnny Walker, Ward 3 G A. (Andy) Morris, Ward 4 Anthony Coleman, Ward 5 Michelle Cooper Kelly, Ward 6 Philip M. Goldstein, Ward 7

Wednesday, January 13, 2016

7:00 PM

**Council Chamber** 

**Presiding:** R. Steve Tumlin, Mayor

Present: Stuart Fleming, Grif Chalfant, Johnny Walker, G. A. (Andy) Morris,

Anthony Coleman, Michelle Cooper Kelly and Philip M. Goldstein

#### Also Present:

William F. Bruton, Jr. City Manager Douglas R. Haynie, City Attorney Stephanie Guy, City Clerk

#### **CALL TO ORDER:**

Mayor R. Steve Tumlin called the meeting to order at 7:00 p.m.

#### **INVOCATION:**

Mayor Tumlin called upon Council member Stuart Fleming to give the

#### PLEDGE OF ALLEGIANCE:

Mayor Tumlin asked everyone to remain standing for the Pledge of Allegiance.

#### **PRESENTATIONS:**

# 20160028 Challenge coin presentation by Fire Chief Jackie Gibbs

Presentation of a challenge coin to the Mayor and City Council by Fire Chief Jackie Gibbs in recognition of their obtaining a Class 1 ISO Rating.

# **Presented**

#### **PROCLAMATIONS:**

#### 20151152

Marietta PAL "Blue Devils" Cheerleaders Win First Place in the FL Statewide Championship!

The Marietta PAL "Blue Devils" Cheerleaders won the first place trophy in the Florida PAL Statewide Championship competition. Marietta PAL Cheerleaders landed impressive stunts and well-choreographed dance moves with synchronized precision to impress the team of judges and to walk away with the coveted first place trophy in the 12 and under category for cheer/dance/stunt.

**Not Present** 

# ANNOUNCEMENTS OF GENERAL COMMUNITY INFORMATION BY THE MAYOR, COUNCIL AND/OR CITY MANAGER:

#### **SCHEDULED APPEARANCES:**

# 20160027 Scheduled Appearance - Ms. Joanne Ray

Ms. Joanne Ray, 2261 Old Sewell Road - Ms. Ray is a customer of Marietta Power. During Christmas, Ms. Ray and several other homeowners suffered a power outage. Ms. Ray wishes to thank Marietta Power, the City and particularly the individuals who sacrificed time with their own families to take care of the citizens of Marietta.

#### **Present**

#### 20151198

Scheduled Appearance - Larry Wills

**Present** 

# **UNSCHEDULED APPEARANCES:**

Bob Kinney, who resides in the East Worthington subdivision, thanked Police Chief Dan Flynn, Fire Chief Jackie Flynn and City Manager Bill Bruton for their great service to the City of Marietta.

Kenneth Howell, representing the Georgia Community Collision, spoke regarding a proposal for equitable housing in the Marietta area.

CONSENT AGENDA: Consent agenda items are marked by an asterisk (\*). Consent items are approved by majority of council. A public hearing will be held only for those items marked by an asterisk that require a public hearing (also noted on agenda).

Pro tem Johnny Walker briefly explained the consent agenda process. City Attorney Doug Haynie noted the following changes to the consent agenda:

-under Minutes: Agenda item 20151172, Regular Meeting minutes for December 9, 2015, was removed from the consent agenda.

-under Minutes: Agenda item 20160039, Executive Session Minutes, was added to the consent agenda with an amendment to the August 12 and September 3 minutes correcting the street name Roselane. Also, the August 12, 2015 Agenda Work Session executive session minutes were removed from the agenda.

-under City Council Appointments: Agenda item 20160018, Cobb County Community Relations Council, was removed from the agenda.

-under Other Business: Agendas items 20160030, Preston Chase Park, and 20160038, Budget Amendment "Preston Chase Park" were added to the consent agenda. Both should note Council member Coleman voting against.

Mr. Haynie then opened the public hearing for those items on the consent agenda requiring a public hearing. Seeing no one wishing to speak, the public hearing was closed.

A motion was made by Council member Walker, seconded by Council member Kelly, to approve the consent agenda as modified. The motion carried by the following vote:

Vote: 7 - 0 - 0 Approved

#### **MINUTES:**

## 20151181 Motion to Rescind

Motion to rescind or amend Marietta City Council Legistar Number 20151126, BLW Actions of December 8, 2015.

No Action Taken

#### **20151172 Regular Meeting - December 9, 2015**

Review and approval of the December 9, 2015 regular meeting minutes.

A motion was made by Council member Goldstein, seconded by Council member Chalfant, that this matter be Approved. The motion carried by the following vote:

**Vote:** 6-0-0 **Approved** Absent for the vote: Michelle Cooper Kelly

# \* 20151173 Special Meeting - December 17, 2015

Review and approval of the December 17, 2015 special meeting minutes.

This matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0 Approved

# \* 20160016 Special Meeting - January 4, 2016

Review and approval of the January 4, 2016 special meeting minutes.

This matter was Approved on the Consent Agenda.

Vote: 7-0-0 Approved

#### \* 20160039 Executive Session Minutes

Review and approval of the following executive session minutes:

July 6, 2015 Agenda Work Session

July 8, 2015 Agenda Work Session

August 10, 2015 Agenda Work Session

August 12, 2015 Agenda Review Session

September 3, 2015 Agenda Work Session

September 9, 2015 City Council meeting

October 12, 2015 Agenda Work Session

An amendment was made to the August 12 and September 3 minutes correcting the street name Roselane. Also, the August 12, 2015 Agenda Work Session executive session minutes were removed from the agenda.

This matter was Approved as Amended on the Consent Agenda.

Vote: 7 - 0 - 0 Approved as Amended

# MAYOR'S APPOINTMENTS: (for informational purposes only)

# 20160019 Municipal Judge

Reappointment of Roger J. Rozen as the Marietta Municipal Chief Judge, to serve at pleasure of the Mayor or the Mayor designated service term until January 10, 2018 whichever comes first.

### **Appointment Made**

#### 20151169 Associate Judge Appointments

Appointment of seven (7) Associate Judges, to serve at the pleasure of the Mayor or the Mayor designated service term until January 10, 2018 whichever comes first.

#### **Appointment Made**

#### MAYOR'S APPOINTMENTS WITH THE CONSENT OF COUNCIL:

# \* 20160001 Mayor Pro tem

Appointment of Johnny Walker as Mayor Pro tem for a term of one year expiring on January 11, 2017.

This matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0 Approved

# \* 20160002 Presiding Officer

Appointment of Michelle Cooper Kelly as Presiding Officer for a term of one year expiring on January 11, 2017.

This matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0 Approved

#### \* 20160003 Economic/Community Development Committee

Appointment of G. A. (Andy) Morris as Chairman, Johnny Walker as Vice Chair and Grif Chalfant to the Economic/Community Development Committee for a term of one year expiring on January 11, 2017.

This matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0 Approved

#### \* 20160004 Finance/Investments Committee

Appointment of Stuart Fleming as Chairman, Grif Chalfant as Vice Chair and Michelle Cooper Kelly to the Finance/Investments Committee for a term of one year expiring on January 11, 2017.

This matter was Approved on the Consent Agenda.

## \* 20160005 Judicial/Legislative Committee

Appointment of Philip M. Goldstein as Chairman, G. A. (Andy) Morris as Vice Chair and Stuart Fleming to the Judicial/Legislative Committee for a term of one year expiring on January 11, 2017.

This matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0 Approved

#### \* 20160006 Parks, Recreation & Tourism Committee

Appointment of Michelle Cooper Kelly as Chairman, Stuart Fleming as Vice Chair and Anthony Coleman to the Parks, Recreation and Tourism Committee for a term of one year expiring on January 11, 2017.

This matter was Approved on the Consent Agenda.

Vote: 7-0-0 Approved

#### \* 20160007 Personnel/Insurance Committee

Appointment of Johnny Walker as Chairman, Anthony Coleman as Vice Chair and Philip M. Goldstein to the Personnel/Insurance Committee for a term of one year expiring on January 11, 2017.

This matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0 Approved

# \* 20160008 Public Safety Committee

Appointment of Anthony Coleman as Chairman, Michelle Cooper Kelly as Vice Chair and Johnny Walker to the Public Safety Committee for a term of one year expiring on January 11, 2017.

This matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0 Approved

#### \* 20160009 Public Works Committee

Appointment of Griffin Lee Chalfant, Jr., as Chairman, Philip M. Goldstein as Vice Chair and G. A. (Andy) Morris to the Public Works Committee for a term of one year expiring on January 11, 2017.

This matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0 Approved

\* 20160010 BLW Council Representative

Appointment of G. A. (Andy) Morris as the council representative on the Board of Lights and Water (BLW) for a term of one year expiring on January 11, 2017.

This matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0 Approved

\* 20160011 Marietta Board of Education Council Liaison

Appointment of Johnny Walker as the council liaison to the Marietta Board of Education for a one year term expiring on January 11, 2017.

This matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0 Approved

\* 20160012 Marietta Housing Authority Council Liaison

Appointment of Anthony Coleman as the council liaison to the Marietta Housing Authority for a term of one year expiring on January 11, 2017.

This matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0 Approved

20160018 Cobb County Community Relations Council

Appointment to the Cobb County Community Relations Council.

Removed

\* 20160013 Council Liaison Appointments

Consideration of council liaison appointments as designated:

Marietta Chamber/SPSU-KSU Merger - Griffin L. Chalfant, Jr.

Wellstar/Medical Community - G. A. (Andy) Morris

Lockheed/Military - Stuart Fleming

Marietta City Schools - Johnny Walker

Schools Governance Teams (SGT) for Marietta High School - Michelle Cooper

Kelly

Legislative - Philip M. Goldstein Lockheed/Military/Joint Land Use Study - Stuart Fleming Cobb/Douglas Board of Public Health - Mayor Steve Tumlin

This matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0 Approved

#### CITY COUNCIL APPOINTMENTS:

# \* 20151154 Board of Zoning Appeals Reappointment

Reappointment of Ron Clark to the Board of Zoning Appeals (Ward 5), for a three year term expiring December 12, 2018.

This matter was Approved on the Consent Agenda.

Vote: 7-0-0 Approved

# \* 20151164 Civil Service Board Appointment

Reappointment of James T. Martin to the Civil Service Board (Post 1) for a three (3) year term expiring December 31, 2018.

This matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0 Approved

# \* 20151175 Historic Preservation Commission Appointment

Reappointment of Martin C. Kendall to the Historic Preservation Commission (Ward 7), for a three year term expiring August 9, 2018.

This matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0 Approved

# \* 20151176 Board of Zoning Appeals Appointment

Reappointment of Justice Kay Barber to the Board of Zoning Appeals (Ward 7) for a three year term, expiring January 8, 2019.

This matter was Approved on the Consent Agenda.

# \* 20151182 Historic Preservation Commission Appointment

Reappointment of Marion Savic to the Historic Preservation Commission (Ward 3), for a three (3) year term expiring January 9, 2019.

This matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0 Approved

#### \* 20151183 Marietta Historic Board of Review

Reappointment of Johnny Fulmer to the Marietta Historic Board of Review (Ward 7), for a two year term expiring January 8, 2018.

This matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0 Approved

# \* 20160014 Marietta Welcome Center & Visitors Bureau Appointment

Appointment of Philip M. Goldstein to the Marietta Welcome Center & Visitors Bureau for a two-year term.

This matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0 Approved

#### **ORDINANCES:**

# 20151122 Z2016-01 [REZONING & SPECIAL LAND USE PERMIT] FIRST CHRISTIAN CHURCH

Z2016-01 [REZONING & SPECIAL LAND USE PERMIT] FIRST CHRISTIAN CHURCH is requesting the rezoning of property located in Land Lot 1287, District 16, Parcels 0700, 0790, 0780, 0770, & 0360, 2nd Section, Marietta, Cobb County, Georgia, and being known as 566 Waterman St; 559, 569, & 579 Frasier St; and 235 Grover St from R-4 (Single Family Residential - 4 units/acre) and NRC (Neighborhood Retail Commercial) to R-4 (Single Family Residential - 4 units/acre) with a Special Land Use Permit for a place of assembly. Ward 1A.

City Attorney Doug Haynie opened the public hearing and explained the rules of order. Mr. Haynie then swore in those wishing to speak.

Brian Binzer, Development Services Director, presented information regarding the request to rezone property located at 566 Waterman St; 559, 569, & 579 Frasier St; and 235 Grover St from R-4 (Single Family Residential - 4 units/acre) and NRC (Neighborhood Retail Commercial) to R-4 (Single Family Residential - 4 units/acre) with a Special Land Use Permit for a place of assembly.

Mr. Binzer explained that purpose for the SLUP was to bring the property in line with current zoning regulations for the City. He stated that the property would continue to be charitable use church, which is a food pantry. They will continue to use the property as they have been, but since they made a change to the structure, under the City's new regulations, they are now required to get the proper zoning and Special Land Use Permit, just to exist under current regulations.

Mr. Sherwood Smith, Pastoral Associate of First Christian Church, clarified that food is distributed out of the small house next door in the direction of the church parking lot, so they don't disturb neighbors. A refrigerated truck is parked on the church lot for use twice a week to deliver frozen products. He also mentioned that they are open twice a week to feed approximately 2000 people, which consists of 60-80 families each day.

Mr. Drayton Baker spoke in opposition to the rezoning and special land use permit, citing that there are current issues with the property, including the house needing repairs and upkeep, landscaping, trucks loading and unloading and making noise, the parking lot maintenance and distribution of food creating traffic concerns.

Discussion was held regarding the hours of operation for the food pantry, about the maintenance and upkeep of the property and the ability to hide the freezer in the back of the property. There was general agreement of Council that this matter be tabled to work out some of the details concerning the special land use permit.

Seeing no one else wishing to speak, the public hearing was closed.

A motion was made by Council member Fleming, seconded by Council member Goldstein, that this matter be Tabled. The motion carried by the following vote:

Vote: 7 - 0 - 0 Tabled

# **20150872 CA2016-01 [CODE AMENDMENT]**

CA2016-01 [CODE AMENDMENT] Proposal to amend the Comprehensive Development Code of the City of Marietta, Division 714, Signs, regarding billboards, digital billboards, and digital signs.

City Attorney Doug Haynie opened the public hearing and called forward those wishing to speak regarding this matter.

Brian Binzer, Development Services Director, presented information regarding the proposal to amend the Comprehensive Development Code of the City of Marietta, Division 714, Signs, regarding billboards, digital billboards, and digital signs. For the record, Mr. Binzer submitted studies used to write the Findings and Purpose statement.

Discussion was held regarding an alternative version of the proposed revisions to the sign ordinance that would allow a new, standard sized (672 sq.ft.) digital billboard to be erected on a parcel of property (instead of a 400 sq.ft. billboard) – as long as all other zoning regulations were met. Without this ordinance change, four (4) billboard panels would have to be removed in exchange for the new 672 sq.ft. digital billboard. The alternative language would be to 714.04(G.15):

15. Unless allowed as part of an exchange agreement, new billboard structures located within 100 feet of the right of way of Interstate 75 may contain electronic message boards, LCD, LED or plasma panels or screens, or any similar electronic signage devices or technology, provided that such electronic sign face shall be limited to 400 672 square feet and the designated sign must meet all other requirements of this ordinance.

Seeing no one else wishing to speak, the public hearing was closed.

A motion was made to approve modification to sign, incorporating the alternative language that would allow a new, standard sized (672 sq.ft.) digital billboard to be erected on a parcel of property, along with the other requirements as stated.

The motion was made by Council member Goldstein, seconded by Council member Chalfant, that this matter be Approved as Amended. The motion carried by the following vote:

Vote: 7 - 0 - 0 Approved as Amended

# \* 20151066 CA2016-02 [CODE AMENDMENT]

CA2016-02 [CODE AMENDMENT] Proposal to amend the Comprehensive Development Code of the City of Marietta, Division 708.05 RA-4, Single Family Residential - Attached, Paragraph C, Temporary/Conditional Uses Allowed by the Director; Division 708.06 RA-6, Single Family Residential - Attached, Paragraph C, Temporary/Conditional Uses Allowed by the Director; and Division 708.07 RA-8, Single Family Residential - Attached, Paragraph C, Temporary/Conditional Uses Allowed by the Director regarding single family detached dwellings in RA zoning districts.

Public Hearing held during the consent agenda.

This matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0 Approved

**RESOLUTIONS:** 

**CITY ATTORNEY'S REPORT:** 

#### \* 20151166 Denial of Claim

Denial of the Claim of Monica Van Winkle.

This matter was Approved to Deny Claim on the Consent Agenda.

Vote: 7 - 0 - 0

**Approved to Deny Claim** 

# \* 20151180 Denial of Claim

Denial of the claim of DeAndrea Davenport and Sekeithia Jackson.

This matter was Approved to Deny Claim on the Consent Agenda.

Vote: 7 - 0 - 0 Approved to Deny Claim

#### **CITY MANAGER'S REPORT:**

#### **MAYOR'S REPORT:**

#### **COMMITTEE REPORTS:**

- 1. Economic/Community Development: G. A. (Andy) Morris, Chairperson
- 2. Finance/Investment: Stuart Fleming, Chairperson

# \* 20151149 2015 HEAT Grant Budget Amendment

Approval of an Ordinance amending the Fiscal Year 2016 General Fund Budget to receive and appropriate a grant from the Governor's Office of Highway Safety to maintain a HEAT (DUI) unit.

This matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0 Approved

# \* 20150895 2015 Edward Byrne Grant Budget Amendment

Approval of an Ordinance amending the Fiscal Year 2016 General Fund budget to receive and appropriate a grant from the Department of Justice through the Edward Byrne Memorial grant program for \$36,623 to fund a part-time Cyber Specialist.

This matter was Approved on the Consent Agenda.

# 3. Judicial/Legislative: Philip M. Goldstein, Chairperson

# \* 20151142 Revised Detailed Plan for Gracepoint School - Riverstone Church located at 2005 Stilesboro Road

Motion to approve the revised Detailed Plan for Riverstone Church to allow the operation of Gracepoint School until August 31, 2016 for no more than 30 students; said property being located in District 20, Land Lot 252, Parcel 304, 2nd Section, Marietta, Cobb County, Georgia, and being known as 2005 Stilesboro Road.

This matter was Approved on the Consent Agenda.

Vote: 7-0-0 Approved

# \* 20151143 Revised zoning stipulations for the Farm at Kennesaw Mountain subdivision

Motion to approve the revised stipulations for the Farm at Kennesaw Mountain subdivision; said property being located in District 20, Land Lot 288, 2nd Section, Marietta, Cobb County, Georgia. The original zoning stipulations are hereby modified in order to:

- 1. Increase the allowable lots from 6 to 7
- 2. Extend the 30' wide access/utility easement and 20' private driveway to serve the new lot
- 3. Increase the maximum density from to 0.37 units/acre to 0.43 units/acre

All other stipulations would remain in effect and be evaluated for compliance during the platting, permitting, and construction process.

This matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0 Approved

# \* 20151065 Revision to the Detailed Plan for Marietta Walk for Architectural Elevations

Motion to approve a revision to the Detailed Plan for Marietta Walk in order to include the additional architectural elevations as shown on the attached plans ("Jamestown Premier" and "Manchester Premier").

All other conditions of the previously approved detailed plan will remain in effect.

This matter was Approved on the Consent Agenda.

#### \* 20151064 Detailed Plan for Atlanta United FC

Motion to approve the detailed plan, including only the site and tree plans, for the plans identified as Atlanta United Training Ground at 849 & 861 Franklin Road; said plans signed and dated by the applicant on January 13, 2016. Building elevations will be submitted at a later date.

The following items are additional conditions of approval for the attached detailed plan:

- 1. A decorative fence with a maximum height of 8 feet shall be allowed around the perimeter of the property.
- 2. An area shall be designated for the specific use of a billboard, and that area shall not be less than 20,000 square feet.
- 3. Protective netting, as shown in Appendix A, is approved for the site.
- 4. An exemption plat shall be submitted for approval in lieu of a final plat.

In accordance with Section 708.20.J.4 of the Marietta City Code, Atlanta United FC is requesting the approval of these revisions to the detailed plan for Atlanta United Training Ground.

This matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0 Approved

- 4. Parks, Recreation and Tourism: Michelle Cooper Kelly, Chairperson
- 5. Personnel/Insurance: Johnny Walker, Chairperson
- 6. Public Safety Committee: Anthony Coleman, Chairperson
- 7. Public Works Committee: Grif Chalfant, Chairperson

# \* 20151148 Lake Drive Turn Around

Motion authorizing Public Works to install a turn around on Lake Dr.

This matter was Approved on the Consent Agenda.

Vote: 7-0-0 Approved

# \* 20160030 Preston Chase Park

Motion authorizing the expenditure of up to \$161,700 for professional design services and construction observation for "Preston Chase Park". Design will include three soccer fields, a walking track, a

concession/restroom/maintenance/office building, and a playground. Such authorization to begin immediately after the signing of the AUFC lease and use documents for property on Franklin Road.

# This matter was Approved on the Consent Agenda.

Vote: 6-1-0 Approved

Voting Against: Anthony Coleman

# 20160038 Budget Amendment "Preston Chase Park"

Ordinance approving an amendment to the Fiscal Year 2016 Budget to appropriate \$161,700 from tourism capital projects to hire a consulting firm to plan, design and oversee construction at "Preston Chase Park".

# This matter was Approved on the Consent Agenda.

Vote: 6-1-0 Approved

Voting Against: Anthony Coleman

# \* 20160035 Revision to the Detailed Plan for Meeting Park L-103, L-104 & L-105

Motion to approve the revised detailed plan for the Meeting Park L-103, L-104 & L-105, signed by the owner and dated January 13, 2016.

In order to allow for placement of the building to allow bay windows, J.W. Homes, LLC is requesting the following:

- 1. Reduce the setback between L-103 and L-104 from 10' to a minimum of 6' at the nearest point.
- 2. Reduce the setback between L-104 and L-105 from 10' to a minimum of 6' at the nearest point.

In accordance with Section 708.20.J.4 of the Marietta City Code, John Wieland Homes is requesting the approval of these revisions to the detailed plan for Meeting Park.

#### This matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0 Approved

# **OTHER BUSINESS:**

#### \* 20151204 BLW Actions of January 11, 2016

Review and approval of the January 11, 2016 actions and minutes of Marietta Board of Lights and Water.

This matter was Approved on the Consent Agenda.

Vote: 7-0-0 Approved

# **UNSCHEDULED APPEARANCES:**

# **ADJOURNMENT:**

The meeting was adjourned at 8:25 p.m.

Date Approved: February 10, 2016

R. Steve Tumlin, Mayor Tumlin

Attest: \_\_\_\_\_

Stephanie Guy, City Clerk